

REMARKS

The Office Action mailed September 5, 2003 has been received and reviewed. Claims 1-24 are in the case. Claims 1-10, 12-24 stand rejected under 35 U.S.C. §102(e). Claim 11 stands rejected under 35 U.S.C. §103(a).

For the reasons set forth below, claims 1-24 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks, is therefore respectfully requested.

Objection to the Information Disclosure Statement

The Office Action asserts that the Information Disclosure Statement (IDS) filed August 15, 2003 failed to comply with 37 C.F.R. 1.97(d). However, Applicant did not file the IDS under 37 C.F.R. 1.97(d). Rather, because the IDS was filed with a Request for Continued Examination, it was filed under 37 C.F.R. 1.97(b)(4). Applicant asserts that the IDS was proper under 37 C.F.R. 1.97(b)(4). If the examiner finds any reason why the IDS should not be considered under 37 C.F.R. 1.97(b)(4), Applicant requests immediate notice so that appropriate correction can be made.

Rejection of Claims 1-10, 12-22 Under 35 U.S.C. §102(e)

Claims 1-10, 12-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maynard. For a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. Maynard does not disclose every

element of the claimed invention. The rejection of claims 1-10, 12-22 under 35 U.S.C. §102(e) as being anticipated by Maynard is, therefore, improper.

With respect to claims 1, 14, and 17, Maynard does not disclose a filtering module programmed to *determine a micro-context relevant to the text*, as required by Applicant.

Applicant's specification and claims are clear in that the "text" is acquired from the user. (See claim 1, line 3; claim 14, line 3; and claim 17, line 3). *That is, the "text" is a text of a query*. Thus, the micro-context is determined from the text of the query, *not from the information being searched*. Maynard does not disclose such an arrangement.

In asserting that Maynard anticipates claims 1, 14, and 17, the Office Action misreads the claims involved. This misreading is evident in the citations to Maynard that the Office Action asserts anticipate Applicant's recitation of a micro-context relevant to the text. For example, the Office Action cites column 1, lines 57-64, column 13, lines 13-17 and 25-29, and column 14, lines 4-15 and 44-53. However, none of these citations makes any mention of determining the context (micro or otherwise) of a query. Instead, they refer to segmenting and categorizing the information being searched.

For example, the Office Action asserts that Maynard discloses a break module that divides "the information" into finite elements such as paragraphs, sections, sub-sections, segments, and the like. (See Maynard col. 1; line 57-60). The Office Action asserts that this anticipates "determining a micro-context relevant to the text," as required by Applicant. However, "the information" referred to by the Office Action is actually "the informational resource." (See Maynard col. 1; line 57). Maynard specifically states that "the informational resource" may be a document, a number of individual documents such as Web pages, or a stream of information. (See Maynard col. 1; lines 41-49).

Documents, Web pages, and streams of information are not queries. They are the information being searched.

A query and the information being searched are two distinct things. While the Office Action errs in confusing the two, claims 1, 14, and 17 do not. Applicant is clear that the "text" acquired from a user (*i.e.* the query) is different from the "information" in the database. The terms "text" and "information" are both used each of claims 1, 14, and 17. They were given different names because they represent different things. Claims 1, 14, and 17 are clear that the micro-context corresponds to the "text" acquired from the user, not to the "information." Thus, since Maynard provides no disclosure of determining the context of a query, it fails to anticipate Applicant's claims. Reconsideration of claims 1, 14, and 17 is respectfully requested.

With respect to claims 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 20, 21, and 22, the Office Action similarly and improperly attributes to Maynard the claimed determination of query context. However, Maynard refers only to processing of the informational resource and fails to disclose any determinations of query context based on the query content. Each rejection of these claims is, therefore, improper. Reconsideration is respectfully requested.

Rejection of Claims 23 and 24 Under 35 U.S.C. §102(e)

Claims 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gable. For a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. Gable does not disclose every element of

the claimed invention. The rejection of claims 23 and 24 under 35 U.S.C. §102(e) as being anticipated by Gable is, therefore, improper.

With respect to claims 23 and 24, Gable does not disclose a filtering module that determines the micro-context of textual input by assembling words of the textual input into small, coherent groups to determine the meaning of the textual input, as required by Applicant. In contrast, Gable provides a profile module that *“allow[s] users to choose topics or subtopics from the library of topics 36.”*

Similarly, the *user can specify or link* additional contextual criteria such as specific geographic locations, industries, or company names. The term ‘topic’ could encompass topics, subtopics or context associations that are *listed in the library of topics 36.”* (See Gable col. 6, lines 54-60, emphasis added). As can be seen, Gable allows a user to “choose,” “specify,” or “link” to topics and contexts that are “listed in the library of topics 36.” That is, in Gable, the user manually chooses his context. Nowhere does Gable disclose any module that attempts to derive a context from a textual input (*i.e.* from a query). In that Gable fails to disclose such a module, the rejection of claims 23 and 24 is improper. Reconsideration is respectfully requested.

Rejection of Claim 11 Under 35 U.S.C. §103(a)

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Maynard in view of Franklin. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP 2143.)

With respect to claim 11, the combination of Maynard and Franklin fails to teach or suggest all the claim limitations. As presented hereinabove, the Office Action improperly attributes to Maynard the claimed determination of query context. However, Maynard refers only to processing of the informational resource and fails to disclose any determinations of query context based on the query content. The addition of Franklin does not remedy this deficiency. The rejection of claim 11 is, therefore, improper. Reconsideration is respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 4th day of March, 2004.

Respectfully submitted,



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